

DECLARATORY  
~~IMPROVEMENT~~ Res. No. 1101-1963

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For the Vacation of the alley between  
First Street and Second Street from the  
west property line of Harrison Street to  
the east property line of Cass Street.

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Resolution Adopted: March 25, 1963

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Confirmed: WAIVED

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Bids Received:

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Contract Awarded:

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Contract and Bond:

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Contractor:

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Reported Completed:

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Assessment Roll Confirmed:

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April 3, 1963

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R.O. 195-'62

DECLARATORY RESOLUTION NO. 1101-1963

For the Vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

PLANS ORDERED: Oct. 10, 1962

ADOPTED: March 25, 1963

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION: WAIVER signed by all property owners.

CONFIRMED:

ASSESSMENT ROLL ORDERED: March 25, 1963

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION  
OF ASSESSMENT ROLL: WAIVED

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED: April 3, 1963

For the Vacation ~~Opening Condemnation of right of way for utility purposes~~ of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to ~~vacate the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.~~

All as shown by a plan of such proposed Vacation ~~Opening Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening Condemnation of right of way for utility purposes~~ is described as follows: Lots 69 to 80 inclusive, North Side Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described~~ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other municipalities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the north one half of Section Two, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

25

DAY OF

March

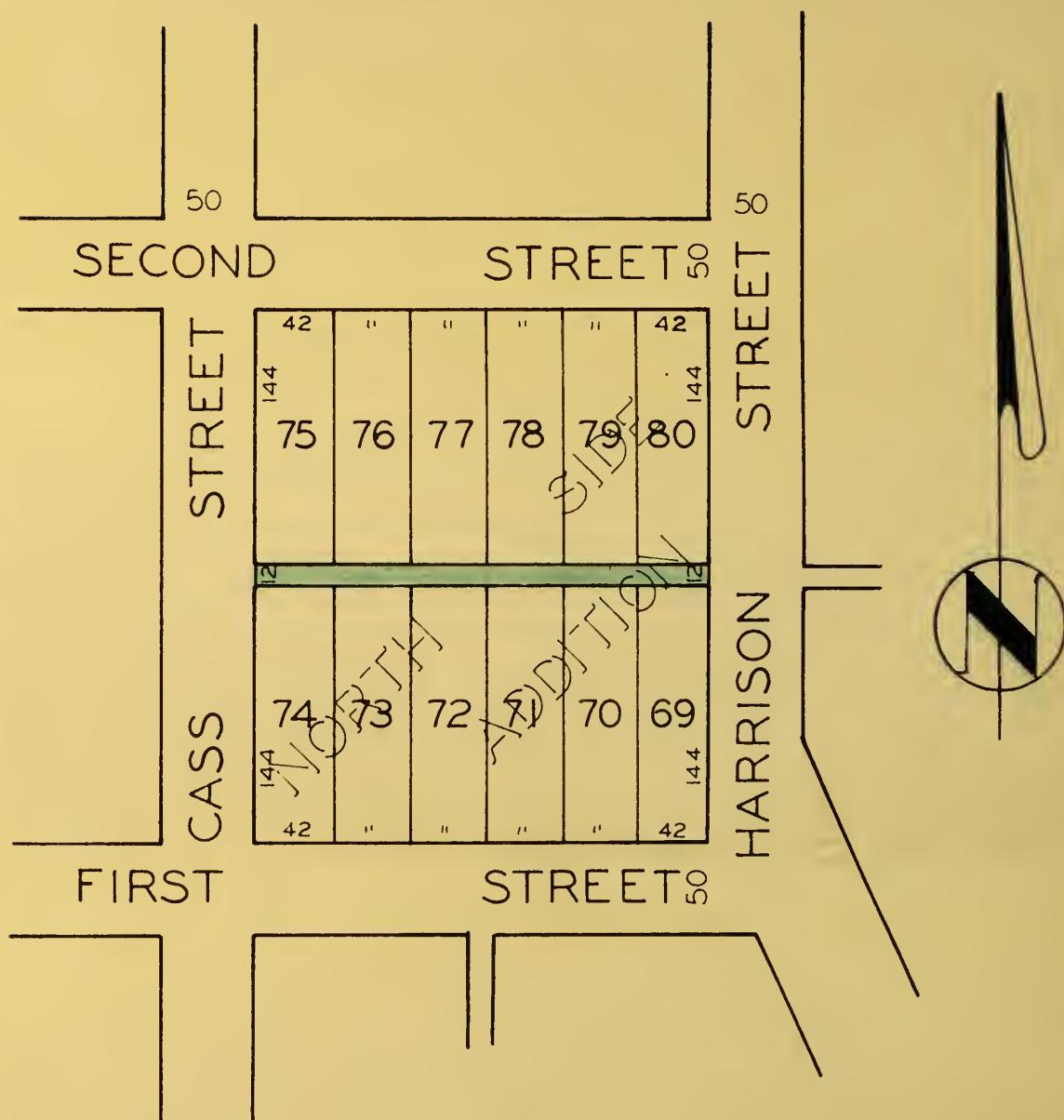
1963

Attest:

*James M. Gray*  
Secretary Board of Public Works.

*E. D. Robins  
J. C. Searle*

 ALLEY TO BE VACATED

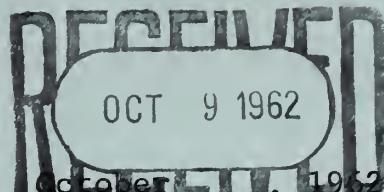


1101

only thermofax drawing was received -  
it was sent to C. E.

4

# P E T I T I O N



To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

105  
The undersigned, owners of real

estate on First Street and Second Street, from  
Cass Street to Harrison Street

respectfully petition for the passage of a resolution providing for the

Vacation of the 12-foot, east-west alley lying between  
First Street and Second Street from the east right of way  
line of Cass Street to the west right of way line of  
Harrison Street in Fort Wayne, Allen County, Indiana.

The real estate to be beneficially or adversely affected  
by such action is Lot 69 to Lot 80, inclusive of North  
Side Addition to the City of Fort Wayne, Indiana.

WILLIAM SCHEELE AND SONS COMPANY, INC.

By: Richard E. Scheele  
(Richard E. Scheele, President)

By: Marcella E. Scheele  
(Marcella E. Scheele, Secretary)

TEEM REALTY AND RENTAL CO., INC.

By: Marcella E. Scheele  
(Marcella E. Scheele, President)

By: Richard E. Scheele  
(Richard E. Scheele, Treasurer)

*BB*  
*May 10/10*  
B.O. 195-162

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

Date 44-383-4 Oct. 10, 1962

To City Engineer

Subject Vacation - Alley between FIRST ST. & SECOND ST.

Received petition for the Vacation of the 12' east-west alley between First Street and Second Street from the east right of way line of Cass Street to the west right of way line of Harrison Street.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Paul F. Roembke  
C. L. Sidle  
Berkeley Ward  
BOARD OF PUBLIC WORKS

ic  
attach copy of petition & drawing  
cc: Mayor Burns

~~NOTED~~

- P.F.R.  
 C.L.S.  
 B.W.

Date 3/26/63

Signed \_\_\_\_\_

Reply:

March 21, 1963

1101

Declaratory resolution, drawing and property ownership list completed and attached.

It will not be necessary to hold a public hearing as we have obtained a signed waiver which is attached. All Utility Companies have advised they will no longer require an easement.

The Sewer Engineering Department conditioned their release upon the removal of a catch basin at the alley intersection and Cass Street at the petitioners expense. They have agreed to do this per the attached letter from their attorney, William P. Fagan

The reason this project has been delayed is because the petitioner wanted to waive the public hearing and the signed waiver was not returned to us until yesterday.

*Edward Green*  
Edward Green  
City Engineer

DEB:is  
attachs.

BOARD OF PUBLIC WORKS

RECEIVED  
MAR 22 1963

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

ALEXANDER M. CAMPBELL  
VON E. LIVINGSTON  
RICHARD S. TEEPLE  
1913-1950  
WARD E. DILDINE  
GILMORE S. HAYNIE  
THOMAS W. YODER  
WILLIAM P. FAGAN  
DAVID B. KELLER  
MACLYN T. PARKER  
J. PHILIP BURT  
MILFORD M. MILLER, JR.

LAW OFFICES  
**CAMPBELL, LIVINGSTON, DILDINE & HAYNIE**  
LINCOLN TOWER  
**FORT WAYNE 2, INDIANA**

TELEPHONE  
ANTHONY 6102

March 19, 1963

Mr. Donald E. Bodeker  
Assistant City Engineer  
City Engineer's Office  
425 South Calhoun Street  
Fort Wayne, Indiana

Re: Vacation of Alley from  
Cass to Harrison between  
First and Second Streets

Dear Don:

Enclosed herewith please find the original and one carbon copy of the Waiver of Notice executed by all of the owners of real estate abutting the above-described alley. It is our hope and expectation that this waiver will be sufficient to have the public hearing waived and the alley vacated without public hearing.

I have discussed with Mr. Scheele the expense of removing the sewer catch basin at the west end of the above-described alley and he has agreed that William Scheele and Sons Company, Inc., one of the petitioners, will bear the expense of having that catch basin removed. It is our expectation that removal of the catch basin will be accomplished by the contractor who constructs the building over the alley after it is vacated.

We are very desirous of proceeding with this matter as expeditiously as possible and, if I may be of any further service in furnishing you with any other instruments or documents which you may desire or need, please do not hesitate to contact me.

Very truly yours,

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

By

  
William P. Fagan

WPF:bh  
Enclosures

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# City of Fort Wayne



OFFICE OF  
CITY PLAN COMMISSION

425 SOUTH CALHOUN STREET

FORT WAYNE, INDIANA

November 30, 1962

Mr. Donald E. Bodeker  
Office Engineer  
City Engineers Office  
Fort Wayne, Indiana

Dear Don:

We have reviewed the proposed vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street and have no objection to the proposed vacation for the following reasons:

1. It is our understanding that all of the property within the block involved will be owned by one corporation; consequently, the vacation of this alley would tie together several lots into one large tract which could be used to a better advantage.
2. The alley serves no useful purpose to the city as a whole from the standpoint of circulation of traffic.
3. If the alley is vacated, this would be approximately 250 feet less alley that the city would have to maintain.

For the above reasons, it would be our recommendation that subject to all utility easement requirements that the alley be vacated.

Sincerely,

CITY PLAN COMMISSION

*William J. Jones*  
William J. Jones  
Planning Director

WJJ:mo

cc: Mayor Paul M. Burns

1101

*MB*  
*E93/25*  
B.O. 195-162

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

45-160-6

Date March 25, 1963

To City Engineer

Subject Dec. Res. 1101-1963 Vacation alley between First and Second Streets

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke  
C. L. Sidle  
Berkeley Ward  
BOARD OF PUBLIC WORKS

ic  
attach Res. & P. O. List  
cc: Mayor Burns

*Waiver*

NOTED

- P.F.R.
- C.L.S.
- B.W.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Reply:

March 29, 1963

Assessment roll of Benefits and Damages completed and attached.

*Edward Green*  
Edward Green  
City Engineer

DEB:is  
attachs.

BOARD OF PUBLIC WORKS  
**RECEIVED**  
APR 2 1963  
**RECEIVED**

Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

ENGINEERING  
DEPT. OF STREETS

2  
882-6

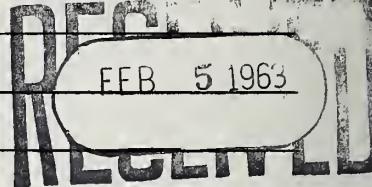
BOARD OF PUBLIC WORKS

DATE February 5, 1963

FEB 5 1963

TO: Board of Public Works

SUBJECT: B.O. No. 195-1962



Re: Vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

NOTED

For your information, this office has not received an easement release from General Telephone Company on the above described alley vacation. They are presently negotiating with the petitioner regarding the cost of moving their facilities.

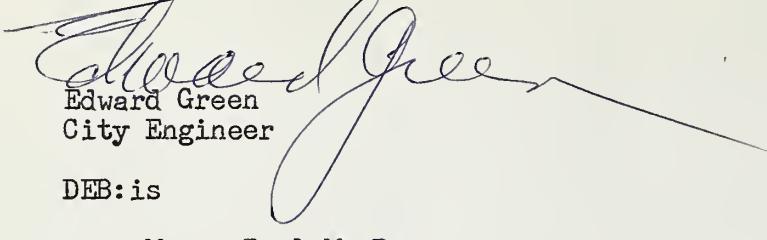
P.F.R.

C.L.S.

B.W.

A Declaratory Resolution will be forwarded when we are advised an easement is not necessary.

Date 2/6/63

  
Edward Green  
City Engineer

DEB:is

cc: Mayor Paul M. Burns

February 5, 1963

Mr. Edward Green  
City Engineer  
425 South Calhoun Street  
Fort Wayne, Indiana

Subject: Rights-of-way - General

Dear Mr. Green:

Mr. Richard Scheels of the William Scheels & Sons Company, 1207 N. Harrison Street has accepted the billing for the rearrangement of our telephone facilities in order to vacate the alley north of First Street between Harrison and Cass Streets.

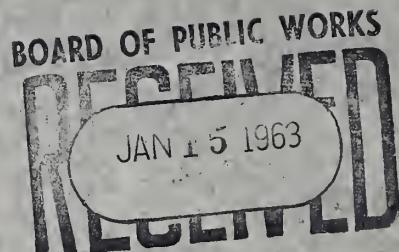
Upon the completion of these rearrangements, we will have no requirement for an easement in this alley location.

Yours truly,

C. E. LEUENBERGER  
Division Engineer

CC to Mayor Burns  
Board of Works ✓

CEL CLK



January 14, 1963

General Telephone Company of Indiana  
303 East Berry Street  
Fort Wayne, Indiana

Attention: Mr. Charles Leyenberger  
Engineering Department

Dear Sir:

I have your post card reply in which you state that you require an easement if the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street is vacated.

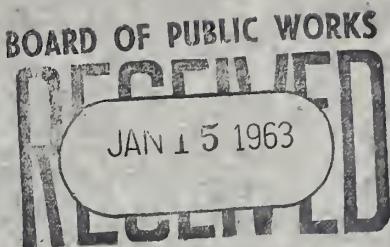
We note considerable work going on which indicates that you are relocating your facilities. Will you please now advise whether or not your requirements have changed to the extent that you do not require an easement in this alley location.

Very truly yours,

*Edward Green*  
Edward Green  
City Engineer

EG:ld

cc: Mayor Burns  
Board of Works



January 14, 1963

Indiana and Michigan Electric Co.  
2101 Spy Run Avenue  
Fort Wayne, Indiana

Attention: Mr. G. L. Bridgewater

Dear Sir:

I have your post card reply in which you state that you require an easement if the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street is vacated.

We note considerable work going on which indicates that you are relocating your facilities. Will you please now advise whether or not your requirements have changed to the extent that you do not require an easement in this alley location.

Very truly yours,

Edward Green  
City Engineer

EG:ld

cc: Mayor Burns  
Board of Works ✓

B.O. 195-'62

December 11, 1962

City Engineer

VACATION - Alley between First Street and Second St. from the east right of way line of Cass Street to the west right of way line of Harrison Street.

You received copy of a letter addressed to the Board of Public Works from William P. Fagan in connection with the above subject.

The Board requests that you investigate and report the various details in connection with said vacation.

- , Clerk

BOARD OF PUBLIC WORKS

KM:ms

cc: Mayor Burns

ALEXANDER M. CAMPBELL  
VON E. LIVINGSTON  
RICHARD S. TEEPLE  
1913-1950  
WARD E. DILDINE  
GILMORE S. HAYNIE  
THOMAS W. YODER  
WILLIAM P. FAGAN  
DAVID B. KELLER  
MACLYN T. PARKER  
J. PHILIP BURT  
MILFORD M. MILLER, JR.

LAW OFFICES  
**CAMPBELL, LIVINGSTON, DILDINE & HAYNIE**  
LINCOLN TOWER  
FORT WAYNE 2, INDIANA

December 6, 1962

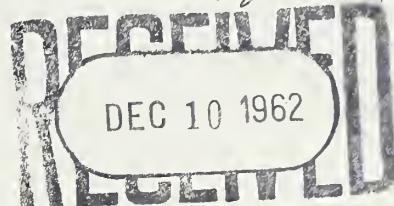
*4*  
*D.P.*  
**NOTED**

P.F.R.

C.L.S.

B.W. TELEPHONE  
ANTHONY 6102

Date 12/11/62 j.f.r.



Board of Public Works  
City of Fort Wayne  
City Hall  
Fort Wayne, Indiana

Re: Board Order No. 195-1962

Gentlemen:

With reference to the petition filed with you on October 9, 1962 by William Scheele and Sons Company, Inc. and Teem Realty and Rental Co., Inc. petitioning for the vacation of the east-west alley between First and Second Streets from the west property line of Harrison Street to the east property line of Cass Street, Fort Wayne, Indiana, we have been advised by the engineering department that the sewer which is in that alley terminates at the western extremity of the alley and serves only the property owned by the petitioners.

As attorney for both petitioners, we would respectfully petition that the said petitioners be permitted to assume ownership of and responsibility for the maintenance of the said sewer. Such action would be in the public interest since it would relieve the City of the cost of maintaining a sewer that exists only for the benefit of the petitioners and would be in my client's interest since it would remove the necessity of granting an easement in the alley for sewer purposes.

Since all property using this sewer is used jointly to conduct the business of William Scheele and Sons Company, Inc., which is an affiliate of Teem Realty

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

Board of Public Works  
December 6, 1962  
Page 2

and Rental Co., Inc. and the property which is not owned by William Scheele and Sons Company, Inc., is under long term lease to that corporation, it is not foreseeable that the property utilizing this sewer will ever again be sold in parcels.

Your cooperation in considering this petition and advising me of the results thereof would be greatly appreciated.

Very truly yours,

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

By

*William P. Fagan*  
William P. Fagan

WPF:JP

cc: Edward Green  
City Engineer

Donald Boderer  
City Engineering Dept.

Patrick Sidney Smith  
Chief Engineer of Sewer Engineering

RECEIVED  
NOV 15 1962  
RECEIVED

November 15, 1962

Northern Indiana Public Service Company  
Indiana & Michigan Electric Company  
General Telephone Company of Indiana

We have received a petition to vacate the alley  
between First Street and Second Street from the west property line  
of Harrison Street to the east property line of Cass Street.

Please check your easement requirements on the  
enclosed post card and return it to us as soon as possible.

Very truly yours,

Donald E. Bodeker  
Donald E. Bodeker  
Office Manager

DME is  
attach.

cc: Mayor Paul M. Duran  
Board of Public Works  
(Board Order 109-1962)

November 15, 1962

RECEIVED  
NOV 15 1962  
RECORDED

William J. Jones  
Planning Director

James T. White  
Traffic Engineer

Please submit your opinion and recommendation on  
the following proposed vacation:

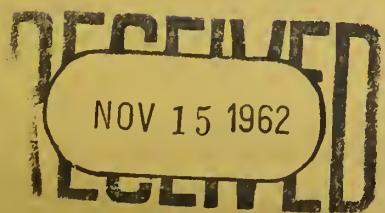
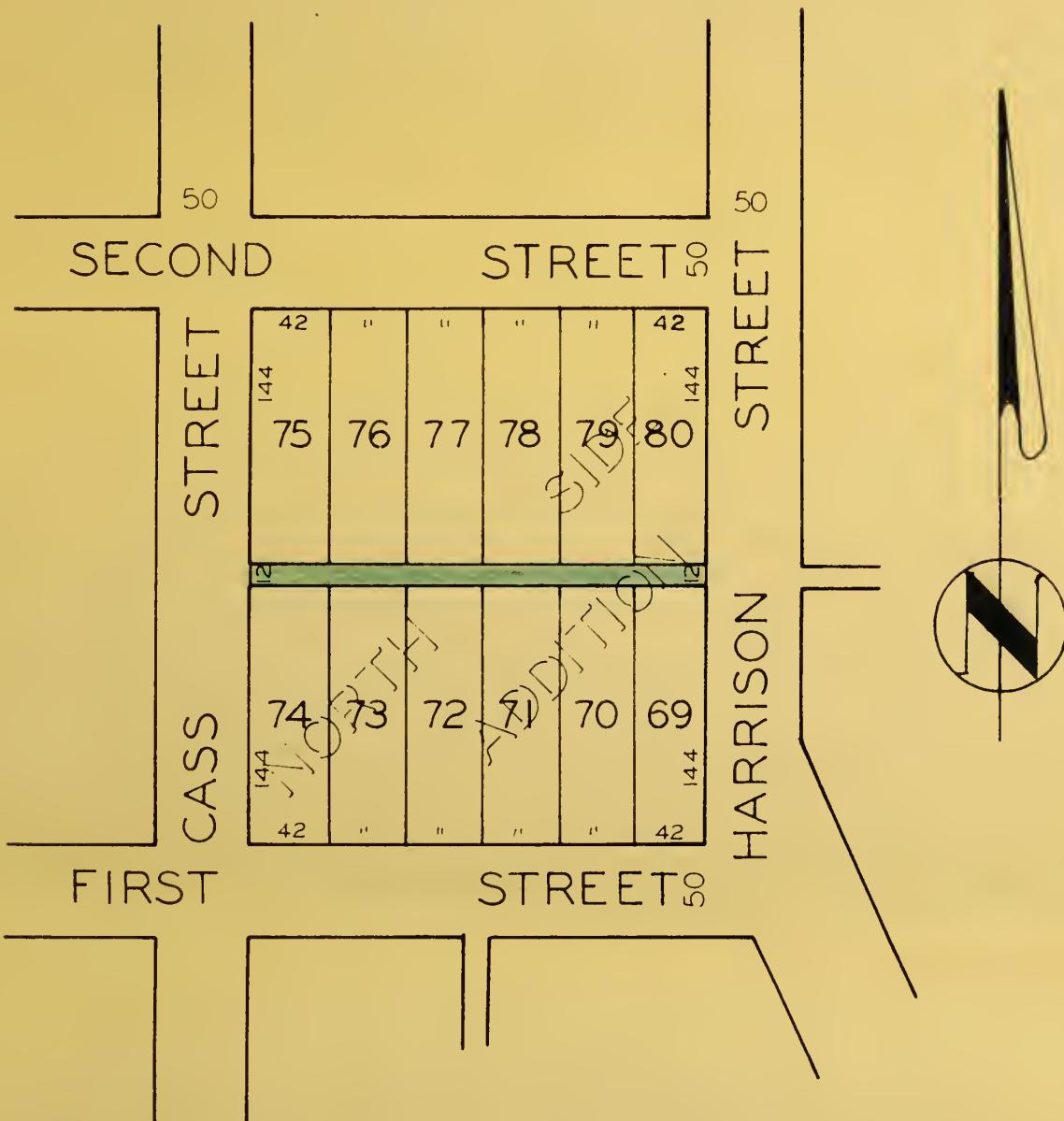
The vacation of the alley between First Street and  
Second Street from the west property line of Harrison Street to  
the east property line of Cass Street.

Donald E. Bodeker  
Donald E. Bodeker  
Office Manager

DAB:is

cc: Mayor Paul M. Burns  
Board of Public Works  
(Board Order 105-1962)

ALLEY TO BE VACATED



THIS IS TO CERTIFY the attached is a true copy of Declaratory Resolution No. 1101-1963 for the Vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

Said Resolution was adopted by the Board of Public Works March 25, 1963, and Assessment Roll was confirmed on April 3, 1963.

*K. M. Miller*, Clerk  
BOARD OF PUBLIC WORKS

KM:ms

enc.

*Original sent to Tagan 4/18/63*

THIS IS TO CERTIFY the attached is a true copy of Declaratory Resolution No. 1101-1963 for the Vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

Said Resolution was adopted by the Board of Public Works March 25, 1963, and Assessment Roll was confirmed on April 3, 1963.

*Kenneth M. Sian*, Clerk  
BOARD OF PUBLIC WORKS

KM:ms

enc.

WAIVER

We, the undersigned, who are all of the property owners which may be injuriously or beneficially affected by the proposed vacation of an alley described as follows, to-wit:

The vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 1101, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

WM. SCHEELE & SONS, CO.

By John E Scheele Pres

By Marcella Scheele

Dated this 15<sup>th</sup> day of  
March, 1963.

Lots No. 69, 70, 71, 72,  
73, 74, 78, 79 and 80  
North Side Addition

TEEM REALTY & RENTAL CO., INC. Lot No. 77  
North Side Addition

By Marcella Scheele Pres.

By James Killroy

Ethel Hazel Norris  
Ethel Hazel Norris, widow  
of Walter Yale Norris

S. 40 feet of Lots 75 and 76  
North Side Addition

Improvement Resolution No. 1101 -1963 For The Vacation Of The Alley Between First Street AndSECOND STREET FROM THE WEST PROPERTY LINE OF HARRISON STREET TO THE EAST PROPERTY LINE OF  
CASS STREET.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	Wm. SCHEELE & SONS Co.	% Wm. Fagan 425 Lincoln Park Tower		69			NORTH SIDE ADDITION
2	" "	"		70			"
3	" "	"		71			"
4	" "	"		72			"
5	" "	"		73			"
6	" "	"		74			"
7	" "	"		78			"
8	" "	"		79			"
9	" "	"		80			"
10	TEEM REALTY & RENTAL CO. INC.	"		77			"
11	NORRIS, WALTER YALE & ETHEL HAZEL	"		75-S. 40'			"
12	" "	"		76-S. 40'			"
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